



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 210

Hearing Date: 1/16/2001
Committee On: Urban Affairs

Introducers: (Smith)
Title: Change provisions relating to additions and platting

Roll Call Vote – Final Committee Action:

X Advanced to General File
 Advanced to General File with Amendments
 Indefinitely Postponed

Vote Results:

7	Yes	Senators Hartnett, Connealy, Erdman, Janssen, Preister, Quandahl and Redfield
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Smith
Gary Krumland
Joe Roberts
Jim Lange
Michael Nolan
Chris Anderson

Representing:

Introducer
League of NE Municipalities
Mayor city of Valley
Attorney, City of Valley
City of Norfolk
Ashland City Administer

Opponents:

none

Representing:

Neutral:

Scott Sidwell

Representing:

NACO

Summary of purpose and/or changes:

This act deals generally with planning and zoning in first and second class cities and villages, proposing to change provisions in Sec. 19-916 relating to the “automatic” annexation of certain subdivisions upon plat approval.

Under the current provisions of this statute, new additions which are laid out “adjoining or contiguous” to the boundaries of the municipality are automatically annexed to the municipality with no further action required by the city council or village board upon approval of



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the plat for the addition. Indeed, the annexation is mandatory: the statute states that the territory “shall” be included within the boundaries of the municipality for all purposes whatsoever.

This statute (Sec. 19-916) was the subject of two slightly different proposals in the 2000 legislative session: LB 1183 (by Sen. Smith) and LB 1378 (by Sen. Hartnett). Original LB 1183 made the “automatic annexation” discretionary by decision of the city council or village board. Original LB 1378 would have absolutely prohibited “automatic annexation” by repealing the provisions at issue. The committee determined to advance LB 1183 with committee amendments that “fleshed” out the manner in which the discretionary authority to exercise the automatic annexation provisions could be exercised, adding some additional procedural safeguards to the process to insure that the public is notified and aware of any proposed annexation of a newly platted subdivision.

This bill is (with one substantive change to be discussed below) the Committee Amendment to LB 1183 which was heard by the Urban Affairs Committee in 2000 and advanced to General File.

In LB 210, it becomes discretionary for the municipality to automatically annex a subdivision at the time of plat approval, but the automatic annexation is made subject to several conditions.

First, the planning commission and the legislative body of the municipality must each hold public hearings on the annexation of the subdivision separate from their public hearings on the approval of the subdivision (in the manner provided for in §19-904).

Second, the legislative body must vote to approve the inclusion of the subdivision within municipal boundaries by a separate vote from the vote approving the subdivision.

In the original committee amendment to LB 1183, there was an additional requirement that a municipality contemplating the automatic annexation of a new plat would, prior to the planning commission hearing, adopt a resolution indicating its intention to annex the property upon the approval of the plat. This step in the process is removed in LB 210 to permit the process to move more quickly with essentially “concurrent” council and planning commission hearings. In all other respects, the text of LB 210 is identical to that of the committee amendment to LB 1183.

Several other changes are made in the original statute to update the language in this statute to reflect changes in the law regarding extraterritorial zoning jurisdiction. References in the original statute which appear to restrict the authority for the approval of subdivisions only to land which is “contiguous” to municipal boundaries is amended to reflect the current statutory authority for zoning and planning jurisdiction (and the platting of territory) to extend to an area two miles beyond the municipal boundaries for first class cities (section 16-902) and to an area one mile beyond the municipal boundaries for second class cities and villages (section 17-1002).

Explanation of amendments, if any:

None

Senator D. Paul Hartnett, Chairperson



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